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Honorable Roy Johnson
Speaker Pro-Tem
State of Alabama
House of Representatives
Montgomery, AL 36130

Tenure Commission - Teachers -
Privacy

No state or federal law prohibits publication of telephone numbers of employees of a board of education but publication may be unreasonable. A requirement to publish the home address of an employee is unreasonable.

Dear Mr. Johnson:

The Attorney General is in receipt of your recent request for an opinion in which you posed the following question:

May a local board of education require an employee to publish or list private information such as his home telephone number where he and his family live?

A subpart to this question was whether our answer would be different if the employee is a school principal and the board claimed that the principal needed to be reachable by parents and/or students on a 24 hour per day basis.

It is the opinion of the Attorney General that neither state or federal law prohibits the practice referred to in your question. We believe that the proper solution to the possible problems posed by requiring teachers and/or principals to publish their telephone number should be balanced with the need for free and open communication between parents, teachers and school administrators. It is quite possible that a blanket mandate by a local school board to publish telephone numbers

and addresses of teachers might tip the balance too far in the direction of invading the privacy of employees when easy and inexpensive alternatives are available. For instance, if a teacher had particular concerns about publishing a telephone number or an address, a mechanism could be established by the school that would allow a teacher to be placed in contact with a parent when necessary. If a parent were unable to meet with a teacher or talk to a teacher during normal working hours, the parent could call the school and the teacher could then call the parent and discuss the particular problems at the convenience of the parent. This would preserve an open channel of communication between the parent and the teacher and yet balance the privacy interests of the teacher. Therefore, it is the opinion of the Attorney General that while the practice of a local school board to require teachers to publish their home telephone numbers and addresses is not prohibited by law, it could possibly constitute an unreasonable invasion of the teacher's privacy. The school board could mandate alternatives that would preserve an open channel of communication between a parent and a teacher and yet preserve the privacy rights of the teacher. It is further the opinion of the Attorney General that a requirement that a teacher's home address be published would not be reasonable and would amount to an unreasonable invasion of the teacher's privacy.

It is the opinion of the Attorney General that the need of a parent to contact the school principal could be of greater importance, particularly in an innumerable number of possible emergency situations. Once again, we believe that a balancing test should be applied to a policy of a board of education that requires a principal to publish information such as his home telephone number and address.

The solution to the situations posed in your request for an opinion are perfect examples of the type of matters that reasonable people operating with a sense of cooperation should be able to work out with a minimum of difficulty. Even at a glance, numerous possible alternatives come to mind which would balance the interests of the teachers in maintaining some degree of personal privacy and yet allow the parents or other persons with a need to contact a teacher or an administrator an easy and simple method of communicating with the employees of the board of education.

Honorable Roy Johnson
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We hope we have sufficiently answered your question. If we may be of further assistance, please feel free to contact us.

Sincerely,

CHARLES A. GRADDICK
ATTORNEY GENERAL

By:

A handwritten signature in black ink, appearing to read "Richard N. Meadows", written over a horizontal line.

RICHARD N. MEADOWS
ASSISTANT ATTORNEY GENERAL

RNM:em